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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,123	01/12/2004	Ralf Gutsche	HSJ920030256US1	3143
7590 John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			EXAMINER LU, KUEN S	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/756,123

Applicant(s)

GUTSCHE, RALF

Examiner

Kuen S. Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Reopened Prosecution***

1. The Action is responsive to Applicant's Appeal Brief filed June 5, 2007. Regretted is this examination has been delayed due to internal transfers of the application.
2. Applicant's Arguments/Remarks filed June 5, 2007, have been fully considered but they are moot on new grounds of rejection.
3. Please note claims 1-9 in the application have been examined, in which claims 1-6 are rejected and claims 7-9 are objected, and claims 1-9 remain pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 4.1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Killian et al. (U.S. Patent 6,760,888, issued 7/6/2004, hereafter "Killian") in view of Claussen et al. (U.S. Patent 7,266,766, issued 9/4/2007, hereafter "Claussen").

As per claim 1, Killian teaches "A graphical user interface (GUI) for configuring pipelines, the GUI displayable on a user computer monitor and comprising" (See col. 10, lines 64-66 where GUI is provided by using a browser with data input screens written in JAVA):

"at least one pipe input set window configured to permit a user to define a type of pipe input set data" (See col. 31, line 50 – col. 32, line 4 where an instruction set simulator is a data pipeline configured based on well-defined sources and the simulator derives its behavior based on ISA files used to define corresponding system software and hardware).

Killian does not explicitly teach "at least one GUI page based on the type, the GUI page being generated by translating the type using a configuration file to a class and using Java reflection to generate an instance of the class, the instance producing the GUI page".

However, Claussen teaches "at least one GUI page based on the type, the GUI page being generated by translating the type using a configuration file to a class and using Java reflection to generate an instance of the class, the instance producing the GUI page" (See col. 28, lines 28-38 where a markup tag is defined and converted into script code, based on Java object or XSL style-sheet, and compiled into Java code and servlet).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Clausen with Killian reference by establishing and conducting pipeline test for code generation to handle

runtime request for Claussen's system because both references are directed to optimize software tool performance (See Killian: col. 6, lines 44-51 and Claussen: col. 2, lines 58-60) and the combined teaching would have expedited and better debugged Claussen's process series of script code generation, conversion and compilation.

The combined teaching of the Claussen and Killian references further teaches "using the GUI page to configure a data pipeline" (See Claussen: col. 28, lines 28-38 where a web page is converted, and Killian: col. 10, lines 64-66 where GUI is provided by using a browser with data input screens written in JAVA).

As per claim 2, Killian teaches "The GUI of claim 1, wherein at least the pipe input set window and GUI page require no programming apart from an initial core code" (See Killian: col. 5, lines 57-64 where pipeline stages used for instruction execution is fixed when there is no new instruction or instruction change).

As per claim 3, Killian teaches "The GUI of claim 1, wherein the GUI is an incremental GUI wherein GUI pages for new pipe components can be added incrementally without changing existing code" (See col. 31, line 65 - col. 32, line 4 where cache and pipeline models are configured before the instruction set simulator is compiled).

As per claim 4, Killian teaches "The GUI of claim 3, wherein at least one new pipe module is based on a pre-existing module type" (See col. 31, line 50 – col. 32, line 4

where an instruction set simulator is a data pipeline configured based on well-defined sources and the simulator derives its behavior based on ISA files).

As per claim 5, Killian teaches "The GUI of claim 3, wherein at least one new pipe module is based on a new user-defined component type" (See col. 31, line 50 – col. 32, line 4 where an instruction set simulator is a data pipeline configured based on well-defined sources and the simulator derives its behavior based on ISA files).

As per claim 6, Allen teaches "The GUI of claim 1, wherein the GUI defines a set of interfaces, each interface including plural functions, the GUI including a GUI representation part and a storage part, the GUI representation part defining how something is displayed and the storage part defining how GUI parameters are stored in an external storage" (See Fig. 4 and col. 11, lines 19-32 where a processor configuration editor in the GUI displayed how components are displayed and GUI parameters displayed on the GUI includes cache and various memory).

#### ***Allowable Subject Matter***

5. Claims 7, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome if any rejections(s) under 35 U.S.C. § 101 and 35 U.S.C. § 112, and in independent form including all of the limitations of the base claim and any intervening claims.

#### ***References***

6. The prior art made of record

A. U.S. Patent No. 6,760,888

B. U.S. Patent No. 7,266,766

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Patent Application 2004/0117427

D. U.S. Patent Application 2004/0015852

E. U.S. Patent No. 7,224,373

F. U.S. Patent Application 2004/0015832

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kuen S. Lu whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571)-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-27-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Kuen S. Lu,*

Primary Patent Examiner, Art Unit 2167

January 19, 2008

**KUEN S. LU**  
**PRIMARY EXAMINER**

